

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3847

Enoch L. Bolden,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States

* District Court for the

* Eastern District of Missouri.

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* [UNPUBLISHED]

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Submitted: July 25, 2002

Filed: August 23, 2002

Before MURPHY, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Enoch Bolden appeals from the district court's¹ dismissal without prejudice of his action against the United States seeking specific performance of an agreement with the federal government to provide witness protection for himself and a custodial transfer for his son. Having carefully reviewed the record and the parties' briefs, we conclude dismissal was proper. There has been no express waiver of sovereign immunity, and the United States has not consented to suit. See Gnotta v. United States, 415 F.2d 1271, 1276 (8th Cir. 1969) ("One cannot sue the United States

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

without its consent and a court has no jurisdiction against the United States to which it has not consented.”), cert. denied, 397 U.S. 934 (1970); see also Doe v. Civiletti, 635 F.2d 88, 88 (2d Cir. 1980) (observing “well-established rule that the federal courts do not have power to order specific performance by the United States of its alleged contractual obligations,” in affirming dismissal of complaint seeking injunction requiring subsistence payments, protection, and re-enrollment in witness protection program). Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.